

## **MINUTES OF REGULAR MEETING HELD OCTOBER 23, 2018**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, October 23, 2018 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 12, 2017. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, THE STAR LEDGER, and TAP INTO WESTFIELD and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Dardia, Neylan, LoGrippo, Contract, Stokes

**ABSENT:** Council Members Arena & Mackey

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Neylan followed by the flag salute.

### **PRESENTATIONS**

Mayor Brindle presented the following proclamation:

**Town of Westfield**  
**Westfield, New Jersey**  
**PROCLAMATION**  
***Rotary Club of Westfield***  
***October 23, 2018***

**WHEREAS**, the Rotary Club of Westfield is a civic service organization comprised of community-minded business men and women; and

**WHEREAS**, the Rotary Club of Westfield has been supporting and benefitting the Town of Westfield since 1921 and has conducted many service projects over the past 98 years; and

**WHEREAS**, in recognition that trees are good for the environment, that trees beautify the town, and that severe weather events over the past several years has had an impact on the tree inventory, the Rotary Club of Westfield created and led a community project to promote environmental awareness, raise funds, and plant 25 trees on Dudley Court; and

**WHEREAS**, Rotarian Past District Governor Dr. D. Michael Hart sought grants to finance the purchase of trees, organized several community groups, and coordinated with the Town of Westfield’s Department of Public Works to facilitate this tree planting effort; and

**WHEREAS**, a total of \$3,500 was raised to purchase the trees - \$2,000 from the Westfield Foundation, \$1,000 from the Rotary International District 7510, and \$500 from the Rotary Club Foundation; and

**WHEREAS**, in addition to members of the Rotary Club of Westfield, several Westfield residents, members of the Westfield High School Interact Club, Boy Scouts from Troop 77 in Westfield, and the Department of Public Works all contributed to the successful completion of this community service project; and

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Mayor Michelle W. Brindle, on behalf of the residents of the Town of Westfield, wish to extend thanks to all the participants and generous donors who made this project possible. **FURTHER**, I hereby commend the Rotary Club of Westfield for its care of the environment and its unceasing efforts to make Westfield a better place to live for the past 98 years.

#### Union County Board of Elections

Nicole Dirado, Union County Board of Elections Administrator, discussed the new voting machines to be implemented for the upcoming General Election and stated that Westfield is the pilot municipality in which the new machines would be debuted. Provided a demonstration of the machine and addressed questions from residents and Councilmembers.

#### Town Administrator's Reports

- Discussed improvements to Municipal Lot No. 7 and announced that while there are some punch list items to be completed, the lot is open for use;
- Provided an update on roadwork. Discussed roads recently paved and those next on the schedule. Explained that progress is dependent upon weather, but all roads included in the 2018 program are expected to be completed by year end. Also discussed the notification process to residents to inform them of road improvements scheduled for their neighborhoods;
- Discussed the status of the work being conducted by Union County on Elm Street and announced that one lane of traffic has been reopened;
- Responded to question about signal timing changes on Terminal Avenue. Explained that Westfield gained permission from the Township of Clark to review the signal's timing at Terminal and Central. After review, it was determined that there was a repair issue that was addressed by the Township of Clark, which has appeared to have improved the movements at the intersection. Monitoring of the signal would continue with potential additional improvements in the future.

#### Mayor's Remarks

- Extended her thanks to the PAL for hosting a women's flag football event to raise money for breast cancer, and to the Westfield Police Department for its support of the WHS volleyball team's Pink Out;
- Announced that she attended a meeting that was held with Ward 1 residents to discuss the recent spate of burglaries and the numerous car thefts that have occurred. Others in attendance included Councilmembers Habgood and Arena, the Town Administrator and Acting Police Chief. Explained that the meeting began by reiterating that the recent home burglaries are not indicative of a larger trend, which is based upon facts. Stated that there were forty-four (44) burglaries in 2016, sixteen (16) in 2017, and ten (10) to date in 2018, including the most recent burglaries. However, informed residents that motor vehicle thefts and car burglaries in particular have increased dramatically, which is why the Town is asking residents to be vigilant about locking their cars. In addition to increasing police patrols and greater vigilance by neighbors, it was agreed upon at the meeting that communication between the Town, Police and residents, needed to improve, as well as communication between the residents themselves. Feels residents are the Town's best asset in communicating what occurs in their own neighborhoods. In an effort to improve communications, the Town introduced localized ward Nixle alerts so that residents would be notified of neighborhood crimes as quickly as possible. Stated that approximately 2,000 residents have registered for Nixle and strongly encouraged more to do so. In addition, informed residents that neighborhood watch groups were established with designated volunteer captains. Explained that each neighborhood would be assigned a dedicated patrol officer and the neighborhood captain would be responsible for communicating between the officer and the neighbors. Believes this would not only help with crime prevention, but also feels it would facilitate old fashioned "neighborliness", such as checking in on elderly neighbors, sharing storm information and the like. The Town Councilmembers for each ward would serve as the initial point person to help define the neighborhoods, and then facilitate with the police;
- Announced that she met with Bound Brook Mayor Bob Fazen and senior officials at NJ Transit last week to request peak one seat ride service on the Raritan Valley Line (RVL). Explained that because of the many challenges currently facing New Jersey Transit, they are reluctant to initiate a significant change to their operations, but they have confirmed that significant legislative support would be critical to move this forward, which is why

RVL Mayors are working with five (5) key senators who are crafting a potential legislative solution. Announced that a meeting is scheduled next month with all twenty-three (23) RVL Mayors and key legislators;

- Reminded residents that applications are being accepted until November 2 for four (4) resident volunteers to serve on the ten (10) member Mental Health Commission. Stated that there has been a good response to date, which she believes demonstrates a clear desire for engagement on the topic. Also stated that additional resident volunteers would be needed to serve on various subcommittees;
- Stated that she recently attended a customer round table with Vanessa LeFebvre, the new President of Lord and Taylor. During the meeting, Ms. LeFebvre discussed her vision for the store, her desire to bring back some brands no longer carried, and a passion for deeper community engagement. In addition, Ms. LeFebvre shared with her that the Westfield Lord & Taylor plans to remain open and committed to Westfield. Feels confident that this news would please many who consider this retail destination important to the community. Encouraged everyone to stop by Lord & Taylor and offer continued support;
- Welcomed recently opened new businesses to Town, including Westfield Station Café, J. McLaughlin, and Spencer Savings Bank;
- Discussed ordinances scheduled for introduction tonight. Explained that one ordinance allows for the commercial use of rooftops, such as rooftop dining, upon conditional approval by the Planning Board. Feels these ordinances will improve the business climate downtown;
- Announced that AddamsFest has officially begun with the grand opening of the Charles Addams art exhibit at the Ward Mansion. Encouraged everyone to visit the exhibit, which will be open to the public until October 30. Stated that this festival has generated a great deal of enthusiasm from the community, which she feels was evident with the immediate sell out of tickets to Charlie's Ale Garden. Discussed the need for ticket pre-sales because of occupancy restrictions. Also discussed alternate plans in the event of inclement weather. Encouraged everyone to visit [AddamsFest.com](http://AddamsFest.com) to review the indoor and outdoor events that are scheduled, and to read the Frequently Asked Questions which includes information about parking and tickets. Announced that Lyft would be offering discounts to and from the festivities and strongly encouraged residents not to drive if possible. Lastly, reminded residents that this is a festival made possible by volunteers. Feels it is truly for the community, by the community, and glitches, unforeseen challenges, and some long lines are to be expected. Asked that everyone be patient and keep their sense of humor;
- Stated that the demonstration of the new voting machines should be a reminder to all to vote on November 6, 2018, and that mail-in voting has begun for those who do not want to wait until November 6.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

## **PENDING BUSINESS**

## **BIDS**

## **MINUTES**

On a motion by Councilman LoGrippo and seconded by Councilman Dardia, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held October 9, 2018.

## **PETITIONS AND COMMUNICATIONS**

## **OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Terry Quinn, 705 Woodland Avenue, discussed the award of contract for the development of a road assessment program. Feels the Department of Public Works could have developed an objective assessment and requested an explanation as to what led the Town Council to the decision to hire an outside consultant for this service at a cost of \$40,000.

Mayor Brindle explained that the Department of Public Works and the Engineering Department were considered for the development of this assessment, but because of the number of roads to be included, the Town Engineer explained that it did have the capacity to conduct such an assessment. Also explained that a certain level of transparency was also desired, and the final assessment should include detail as to how certain roads compared to others in terms of repair need. Feels this level of information would eliminate subjectivity and questions as to why some roads are selected for improvement before others. Also believes this is the first time a road assessment would be done holistically.

The Town Administrator explained that the Town Council has only awarded a contract at this point. The assessment process has not yet begun, but the vendor is expected to begin its analysis next month. Explained that the directive has changed this year, in that a comprehensive assessment of all roads in the Town was requested which is a very large task. The goal is to achieve an honest and objective assessment of roads based upon their condition that could be used as a guide for road repair in the upcoming years.

Mayor Brindle explained that this type of assessment is standard practice in many communities.

Councilwoman Neylan discussed utility work to be conducted by Elizabethtown Gas that was presented to the Town Council during the Conference Meeting earlier this evening. Explained that she was opposed to the award of this contract when the vote was taken at the last meeting. Feels this assessment is duplicative and a waste of money. Also feels there has always been transparency when roads were selected for improvement and believes the Department of Public Works has the capability to identify roads that are in need of repair.

Mayor Brindle stated that it was the Town's Department of Public Works and Town Engineer that requested that the Town move forward with a consultant to develop this assessment. Feels this is a worthwhile investment that would provide an objective, long-term strategy for addressing the Town's roads. Also stated that she would always defer to the Town's in-house experts, which were the Department of Public Works and Town Engineer in this case.

Councilwoman Neylan feels these departments were agreeable to an outside vendor to develop this assessment because the task would be too large to handle in-house.

Mayor Brindle explained that these departments were asked what would be needed to develop a long-term plan for road repair, and the response was that a comprehensive assessment would be necessary, and in order to achieve that, an outside vendor would be needed.

Councilwoman Neylan explained that it was her understanding that these departments were asked to conduct a road assessment for the entire Town. Feels this task is not worthwhile because of the number of factors that would continuously impact road prioritization, and believes the assessment would be obsolete before many roads are repaired or scheduled for repair.

Greg Kasko, 434 Everson Place, stated that he has often been a critic of wasteful spending by municipal government, but he is supportive of this expenditure. Stated that the Town previously employed an engineering inspector that would identify roads in disrepair and follow up with contractors to repair trenches created by utility companies. Stated that he cited Grove Street as a road in need of repair to the previous Town Council, and Grove Street has recently been paved. Stated that he hopes that this consultant would also be involved in repairing trenches, and discussed issues that occur with sinking trenches and frozen water. Feels the infra-red technology the Town Council has approved for road repair and approval for this consultant are worthwhile investments compared to other expenditures approved by the Town Council over the years.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood, and seconded by Councilman Contract, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$384,471.86 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town

Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

#### **Finance Policy Committee**

The following resolutions, introduced by Councilwoman Habgood, Chairman of the Finance Policy Committee, and seconded by Councilman Stokes, were unanimously adopted.

#### **Resolution No. 258**

WHEREAS, Anthony Cuoco, Anthony Louis Custom Home Builders LLC, has placed the required cash bond of \$500.00 to cover Road Opening Permit #17-315 for 817 Willow Grove Road, and

WHEREAS, Anthony Cuoco has requested that this amount be returned, and

WHEREAS, the Town Engineer, has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Anthony Cuoco, Anthony Louis Custom Home Builders LLC, for \$500.00 and forward to 46 Avalon Lane, Matawan, NJ 07747.

#### **Resolution No. 259**

WHEREAS, Michael Mahoney, LLC, developer of certain land located on Fourth Avenue, Westfield, New Jersey, originally posted cash bonds in the total amount of \$26,500.00 as required by various conditions of the Planning Board's resolution of approval dated September 5, 2010, to be held to guarantee the installation and completion of improvements completed as part of the development of the site, and

WHEREAS, the developer has requested that these bonds originally posted for these improvements be refunded to reflect the fact that these improvements have been completed, and

WHEREAS, the Town Engineer has inspected the improvement work, and has found it to be completed in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a warrant in the name of Michael Mahoney, LLC., for the release of previously held bond monies, in the total amount of \$26,500.00 (General Ledger Escrow accounts 8-05-550-195 (\$18,000), 8-05-550-196 (\$1,000.00), 8-05-550-197 (\$5,000.00) and 8-05-550-198 (\$2,500.00)) and forward same to P.O. Box 2698, Westfield, NJ, 07090.

#### **Resolution No. 260**

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Susan Tukacznski 820 Summit Ave Westfield, NJ 07090	Tennis/Rec Trust 217	Refund/Cartooning Class 1 class Liam Tukaczynski	\$13.00
Ratna Kola 943 Brown Ave Westfield, NJ 07090	Tennis/Rec Trust 217	Refund/Class Canceled Drawing Exploration (PreK) Neil Kola	\$82.00
Marielle Albano 745 Fairacres Ave	Tennis/Rec Trust 217	Refund/Class Canceled CPR/AED Class	\$100.00

Westfield, NJ 07090		Marielle Albano	
Lorraine Ruprecht	Tennis/Rec	Refund/Class Canceled	\$100.00
814 Cedar Terrace	Trust 217	CPR/AED Class	
Westfield, NJ 07090		Lorraine Ruprecht	

**Resolution No. 261**

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2018:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
101/45 TOOLEY, Allison 2 Bell Drive Westfield, NJ 07090	1260 Prospect Street	3 <sup>rd</sup> & 4 <sup>th</sup> /2018 \$2,128.97
1301/21 People’s United Bank PO Box 820 Burlington, VT 05402	734 Crescent Parkway	3 <sup>rd</sup> /2018 \$4,896.64
4302/15 ZHANG, Jian 905 Lawrenceville Road Princeton, NJ 08540	774 Knollwood Terrace	4 <sup>th</sup> /2018 \$1,060.50
1903/1 Wells Fargo Real Estate Tax Service ATTN: Financial Support Unit MAC F2302-035 1 Home Campus Des Moines, IA 50328-0001	202 Golf Edge	3 <sup>rd</sup> /2018 \$9,140.01
<b>Following checks payable and mailed to:</b> CoreLogic Refunds Dept PO Box 9202 Coppell, Tx 75019		
1003/12/C0002	34 Cowperthwaite Pl	3 <sup>rd</sup> -2018 \$2,470.21
1404/2	1060 Wychwood Road	3 <sup>rd</sup> /2018 \$8,836.20
2212/7	200 Chestnut St N	1 <sup>st</sup> /2018 \$5,499.06
2304/2	649 Arlington Ave	2 <sup>nd</sup> /2018 \$3,703.02
2308/1	556 St Marks Ave	3 <sup>rd</sup> /2018 \$6,573.98
2909/17.02	225 Hyslip Ave	3 <sup>rd</sup> / 2018 \$2,804.40

4001/18	122 Livingston St	3 <sup>rd</sup> /2018 \$1,444.27
4603/21	683 Willow Grove Road	2 <sup>nd</sup> /2018 \$3,284.64
5001/10	136 Tudor Oval	3 <sup>rd</sup> / 2018 \$3,767.24

**Resolution No. 262**

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2017-2018 pursuant to the Tax Court of New Jersey:

Block/Lot

Name	Address	Year	Amount
3107/4	266 East Broad Street	2017	\$14,622.00
RAMOS, Alfonso		2018	\$4,644.46
27 East 13 <sup>th</sup> St, Apt 5G			\$19,266.46
New York, NY 10003			

**Resolution No. 263**

WHEREAS, the following persons, homeowners residing in Westfield, NJ, have filed for a 100% disabled rating due to service connected injuries, making them eligible for a Property Tax Exemption Qualification for the tax year 2018, and

WHEREAS the Mayor and Town Council elect to exercise their discretion to exempt homeowners from payment of real estate taxes for the prorated year 2018 and refund said homeowners retroactively to the effective date of disability stated in the Veteran Administration letter;

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he hereby is authorized to draw warrants to the below mentioned, this being a refund for prorated 2018 taxes, based on the application as indicated below;

Block/Lot/Qualifier

Address	Application	Exempt for Full
Name	Date	Year Beginning
4702/59	10/10/18	\$4,328.27 2019
KAPLAN, Herbert C		
1011 Rahway Ave		

Public Safety, Transportation and Parking CommitteeCode Review & Town Property Committee**General Ordinance No. 2114**

Regarding the following ordinance, Councilman LoGrippo made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2114 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR SHARE HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS

Motion was seconded by Councilwoman Habgood.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent: Arena

Dardia  
Neylan  
LoGrippo  
Contract  
Stokes  
Mayor Brindle

Mackey

**General Ordinance No. 2115**

Regarding the following ordinance, Councilman LoGrippo made the following announcement:  
I hereby move that an ordinance entitled, “AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ESTABLISH COMMERCIAL USE OF ROOFTOPS AS A CONDITIONAL USE; TO ALLOW FOR USE OF GROUND LEVEL PATIOS AS PLACES FOR EATING AND DRINKING; AND TO REMOVE THE PROHIBITION ON THE SALE OF FOOD FOR BEVERAGES TO BE SERVED OR CONSUMED ON THE PREMISES BUT OUTSIDE THE CONFINES OF A BUILDING; ALL WITHIN THE CBD CENTRAL BUSINESS DISTRICT”

Motion was seconded by Councilman Contract.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Dardia  
Neylan  
LoGrippo  
Contract  
Stokes  
Mayor Brindle

Nays:

Absent: Arena  
Mackey

**General Ordinance No. 2116**

Regarding the following ordinance, Councilman LoGrippo made the following announcement:  
I hereby move that an ordinance entitled, “AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ESTABLISH REGULATIONS FOR ACCESSORY STRUCTURES WITHIN NON-RESIDENTIAL ZONES AND LOCATED ON GROUND LEVEL PATIOS USED AS PLACES FOR EATING AND DRINKING”

Motion was seconded by Councilwoman Habgood.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Dardia  
Neylan  
LoGrippo  
Contract  
Stokes  
Mayor Brindle

Nays:

Absent: Arena  
Mackey

**General Ordinance No. 2117**

Regarding the following ordinance, Councilman LoGrippo made the following announcement:  
I hereby move that an ordinance entitled, “AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD FOR PARKING REQUIREMENTS WITHIN THE CENTRAL BUSINESS DISTRICT”

Motion was seconded by Councilman Dardia.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood  
Dardia  
Neylan

Nays:

Absent: Arena  
Mackey



LoGrip  
Contract  
Stokes  
Mayor Brindle

Public Works Committee

Reports of Department Heads

**ADJOURNMENT**

A motion to adjourn, made by Councilman Dardia and seconded by Councilman Stokes at 9:05 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk